IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1259 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VALLABHBHAI LAXMANBHAI RATHOD - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR KETAN A DAVE for Petitioner(s) : 1,
Ms. Maithily Mehta, AGP for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 07/11/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction or order quashing and setting aside the order dated

9.11.2005 passed by the D.S.P., Bhavnagar whereby it has been provided that fixation of salary and allowances for the period from 1.1.1987 to 22.8.1991 will be treated as notional.

2. Shri Ketan A. Dave, learned advocate for the petitioner is absent though the matter is called out twice today. This matter is of 1996. This Court has taken up the petition for hearing and heard Ms. Maithily Mehta, learned AGP on behalf of the respondents.

3. On 22.7.1996, this Court passed the following order;

> Heard learned Mr. Dave for the petitioner and learned Mr. Bambhania for the respondents.
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> Learned Mr. Bambhania states that the decree passed in favour of the petitioner has been satisfied and the arrears of

> salary from the actual date of retirement of the petitioner till the notional date of retirement of the petitioner have been paid to the petitioner. It must be noted that the petitioner has not disclosed in his petition the fact that he has received arrears of salary for the period in question. In the circumstances, learned Mr. Bambhania stated that he shall file affidavit-in-reply to the petition and produce evidence to show that the amount in question has been deposited in the court.
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> S.O. To 5th August 1996."

As the learned advocate appearing for the petitioner is absent, this petition is dismissed for want of prosecution. Rule is discharged. No costs.

[M.R. Shah, J.]

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